

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ROBERT WILLIAMS, an individual,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-22-773-G
)	
(1) TOWN OF JONES CITY, an Oklahoma)	
municipality;)	
(2) RAY POLAND, an individual;)	
(3) CHRIS CALVERT, an individual;)	
(4) FRANK KOEHLER, an individual;)	
(5) MISSY WILKINSON, an individual,)	
)	
Defendants.)	

**DEFENDANTS POLAND, CALVERT, KOEHLER
AND WILKINSON'S NOTICE AND PETITION OF REMOVAL**

Defendants Ray Poland, Chris Calvert, Frank Koehler and Missy Wilkinson (“Defendants”) hereby give notice of their removal of the action currently pending in the District Court of Oklahoma County, State of Oklahoma, pursuant to 28 U.S.C. §1441 *et seq.*, Fed. R. Civ. P. 81(c), and Local Rules 81.1 and 81.2 of the United States District Court for the Western District of Oklahoma. Defendant Town of Jones City (“Defendant Town”) consents to removal. In support of their Notice and Petition of Removal, Defendants provide to the Court as follows:

1. The captioned proceeding was filed in the District Court of Oklahoma County, State of Oklahoma, on May 16, 2022, and is styled: *Robert Williams, an individual v. Town of Jones City, an Oklahoma municipality; Ray Poland, an individual; Chris Calvert, an individual; Frank Koehler, an individual; and Missy Wilkinson, an individual*, Case No. CJ-2022-2297.

2. Defendants Poland, Calvert, Koehler and Wilkinson were served with process on August 12, 2022. Defendant Town was served with process on May 23, 2022.

3. Defendant Town, also represented by the undersigned, consents to removal of this action to the United States District Court for the Western District of Oklahoma.

4. Defendants do not waive their rights or objections through this Notice of Removal.

5. Plaintiff's Petition filed on May 16, 2022 in the captioned proceeding alleges a violation of Plaintiff's federal constitutional rights under 42 U.S.C. § 1983 by Defendants Poland, Calvert, Koehler and Wilkinson, in addition to alleging various claims arising under state law against all Defendants.

6. The United States District Court for the Western District of Oklahoma therefore has original subject matter jurisdiction of this case pursuant to 28 U.S.C. §1331. More specifically, Plaintiff alleges in his Petition that he was deprived of his federal constitutional due process rights and First Amendment free speech rights and that Defendants Poland, Calvert, Koehler and Wilkinson violated those rights.

7. Supplemental jurisdiction over all attendant state law claims is authorized by 28 U.S.C. § 1367.

8. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.2, a copy of the following pleadings are attached:

- Exhibit 1 – State Court Docket Sheet
- Exhibit 2 – Petition
- Exhibit 3 – Proof of Service on Town of Jones City
- Exhibit 4 – Entry of Appearance for Town of Stephen Geris
- Exhibit 5 – Entry of Appearance for Town of Alison Levine

Exhibit 6 – Town of Jones City’s Motion to Dismiss
Exhibit 7 – Notice of Hearing on Town’s Motion to Dismiss
Exhibit 8 – Plaintiff’s Response and Objection to Town’s Motion to Dismiss
Exhibit 9 – Town’s Reply to Motion to Dismiss
Exhibit 10 – Order on Town’s Motion to Dismiss
Exhibit 11 – Affidavit of Service as to Ray Poland
Exhibit 12 – Affidavit of Service as to Frank Koehler
Exhibit 13 – Affidavit of Service as to Chris Calvert
Exhibit 14 – Affidavit of Service as to Missy Wilkinson
Exhibit 15 – Proof of Service on Defendants Poland, Calvert, Koehler and
Wilkinson

9. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is filed within thirty (30) days after service of the initial pleading on which the aforementioned action is based.

10. The United States District Court for the Western District of Oklahoma is the federal judicial district embracing the District Court in and for Oklahoma County, State of Oklahoma, where the suit was filed. Venue is proper pursuant to 28 U.S.C. §§ 116(c) and 1441(a).

WHEREFORE, Defendants Ray Poland, Chris Calvert, Frank Koehler and Missy Wilkinson, with the consent of Defendant Town of Jones City, respectfully request that this action be removed from the District Court of Oklahoma County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma, and for such other and further relief as this Court deems proper under the circumstances.

Respectfully submitted,

s/ Alison B. Levine

Stephen L. Gerles, OBA No. 19101

Alison B. Levine, OBA No. 33021

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*ATTORNEYS FOR DEFENDANTS
TOWN OF JONES CITY, RAY POLAND,
CHRIS CALVERT, FRANK KOEHLER
AND MISSY WILKINSON*

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2022, a true and correct copy of the above and foregoing was mailed U.S. First Class Mail, postage prepaid, to the following:

Justin R. Williams
Wyatt McGuire
Matthew Taylor
Overman Legal Group, PLLC
809 N.W. 36th Street
Oklahoma City, OK 73118

Attorneys for Plaintiff

s/ Alison B. Levine

Alison B. Levine